

2023-1661

IN THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

OMAN FASTENERS, LLC,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant

MID CONTINENT STEEL & WIRE, INC.,
Defendant-Appellant

Appeal from the United States Court of International Trade
in No. 22-00348, Judge M. Miller Baker

APPELLEE'S MOTION TO RESCHEDULE ARGUMENT

Michael R. Huston
PERKINS COIE LLP
2901 N. Central Avenue, Suite 2000
Phoenix, Arizona 85012

Attorney for Plaintiff-Appellee

October 18, 2024

CERTIFICATE OF INTEREST

I certify that the information below is complete to the best of my knowledge.

Date: October 18, 2024

Signature: /s/ Michael R. Huston

Name: Michael R. Huston

| 1. Represented Entity | 2. Real Party in Interest | 3. Parent Corporations and 10% Stockholders |
|-----------------------|---------------------------|---|
| Oman Fasteners LLC | n/a | Guerrero International LLC |

| 4. Other Legal Representatives | | |
|--------------------------------|-----------------|----------------|
| Perkins Coie LLP: | John M. Devaney | Shuaiqi Yuan* |
| *no longer with firm | Karl J. Worsham | Caroline Bisk* |
| | Angela R. Jones | |

| 5. Related Case |
|---|
| <i>Mid Continent Steel & Wire, Inc. v. United States</i> , No. 2023-1039 (Fed. Cir.). <i>Oman Fasteners, LLC v. United States</i> , No. 2024-1350 (Fed. Cir.). |

| 6. Organizational Victims and Bankruptcy Cases |
|--|
| none |

Under Federal Circuit Rules 27 and 34(d)(3) and Section III.F of this Court’s Guide for Oral Argument, Appellee Oman Fasteners, LLC, respectfully requests that this Court reschedule the oral argument in this case currently set for November 7, 2024, for the next available date. Counsel for Oman Fasteners regrets that this request has become necessary, but there are compelling reasons for it: Late yesterday afternoon, an unforeseeable scheduling conflict arose that will make it exceedingly difficult for Oman Fasteners to argue in this Court on November 7, as set forth below and in the accompanying declaration. Counsel can be available for an off-calendar oral argument during any business day of the following week, or on subsequent dates in November and December 2024.*

* This appeal has been set as a companion case in this Court with No. 23-1039, *Mid Continent Steel & Wire, Inc. v. United States*. Although the two appeals present different legal issues, they both arise from an antidumping investigation by the U.S. Department of Commerce into imports of Oman Fasteners. Because we understand that this Court would prefer for the same panel to hear oral argument in these two appeals on the same day, Oman Fasteners is submitting a corresponding request to reschedule the oral argument in No. 23-1039 in case the Court would prefer to reschedule both arguments. Counsel wishes to advise the Court, however, that the conflict prompting this request is attributable solely to Michael Huston, arguing counsel for Oman Fasteners in No. 23-1661. If the Court would prefer, Oman Fasteners is fully amenable to rescheduling only No. 23-1661 and proceeding with oral argument in No. 23-1039 on November 7 as scheduled.

As arguing counsel for Oman Fasteners in this matter, I submitted argument conflicts for November 4–6 to this Court. Dkt. 55. I did so because the U.S. Court of Appeals for the Third Circuit had previously informed me that another appeal I am set to argue in that Court, *In re Boy Scouts of America and Delaware BSA LLC*, No. 23-1664 (and fifteen consolidated cases), would be argued on Monday, November 4 or Tuesday, November 5. ECF No. 219 (3d Cir. Aug. 26, 2024). Consistent with that instruction, the Third Circuit later confirmed that the *Boy Scouts* appeal would be heard on November 4. ECF No. 220 (3d Cir. Sept. 12, 2024). Based on the Third Circuit’s orders, I sincerely believed that the *Boy Scouts* appeal would be argued on November 4, and that if that oral argument date moved at all, it would move to November 5. On September 20, this Court set argument for this appeal to occur on November 7, Dkt. 57, and I was prepared to appear before this Court and to deliver oral argument on the November 7 date.

Yesterday afternoon, however, at 4:35 PM Eastern Time, the Third Circuit unexpectedly and sua sponte rescheduled the November 4 *Boy Scouts* oral argument to November 6. *See* No. 23-1664, ECF No. 238 (3d Cir. Oct. 17, 2024). That argument will be in Philadelphia. *See id.* It is an enormously complex appeal involving dozens of parties and numerous arguing counsel, aris-

ing from a bankruptcy court proceeding that has been ongoing for multiple years. Given the complexities in scheduling so many parties and arguing counsel, it is very unlikely that the Third Circuit would be willing to agree to move that oral argument again.

It would be very difficult for me to present the *Boy Scouts* oral argument to the Third Circuit on November 6 in Philadelphia and then to present this case to this Court the next day on November 7 in Washington. My appellate co-counsel in this case, Andrew Dufresne, also cannot feasibly argue this case on November 7 because he is arguing another appeal before this Court on November 5. *See Ancora Techs., Inc. v. Roku, Inc.*, Nos. 23-1674, 23-1701, ECF Nos. 44, 50, 60. And given the imminence of oral argument, substitution of another attorney would prejudice Oman Fasteners.

Accordingly, Oman Fasteners respectfully requests that the argument in this case be rescheduled to the next available date. We intend to make ourselves as broadly available to the Court as possible, with the goal of reducing the inconvenience to the Court and our co-counsel to the greatest possible extent. As detailed below, Oman Fasteners' counsel in both companion appeals are available for an off-calendar argument during November 2024, including any business day the following week (November 12-15). Alterna-

tively, if the Court would prefer, we are available for oral argument on any of the dates of this Court's scheduled December 2024 or January 2025 sessions.

We contacted counsel for all other parties in these companion appeals yesterday evening when this conflict arose. Counsel for the United States, which has not appeared in this appeal but is the appellee in companion appeal No. 23-1039, does not oppose this motion. Counsel for appellant Mid Continent Steel and Wire, which is a participant in both appeals, stated that he will not be in position to respond until Monday. We are submitting this motion now because we believe it critical to alert the Court to this development immediately. We intend to follow up with the Court on Monday (or as soon as we hear) to report Mid Continent's position on the motion and to identify any further dates on which Mid Continent is unavailable for a re-scheduled argument.

Our goal in conferring with the other parties has been to identify as many potential alternative argument dates as possible, for the convenience of the Court. Oman Fasteners can be available for oral argument in either or both of this appeal and No. 23-1039 on any business day in November or December 2024, with the exception of the following:

- November 1, 4-7, 20, 26

- December 23–27, 30–31

Arguing counsel for the United States in No. 23-1039 confirmed that she is unaware of any conflict that would prevent her from appearing for argument on any business day in November or December.

Again, counsel regrets the need to submit this motion. I thank the Court for its consideration of the request.

Respectfully submitted,

PERKINS COIE LLP

by /s/Michael R. Huston

Counsel for Appellee
Oman Fasteners, LLC

DECLARATION OF MICHAEL R. HUSTON

1. I am lead appellate counsel for Oman Fasteners, LLC in this appeal. It is my responsibility to deliver oral argument in this appeal.

2. I am also arguing counsel for the Boy Scouts of America in the following appeal currently pending before the U.S. Court of Appeals for the Third Circuit: *In re Boy Scouts of America and Delaware BSA LLC*, No. 23-1664 (and consolidated cases).

3. Yesterday afternoon, an unforeseeable scheduling conflict arose that will make it exceedingly difficult for Oman Fasteners to present oral argument in this appeal on November 7 as scheduled.

4. On August 26, 2024, the Third Circuit issued a text order in the *Boy Scouts* appeal informing all counsel that it would hold oral argument in that case on either Monday, November 4 or Tuesday, November 5. *Boy Scouts*, No. 23-1664 (3d Cir. Aug. 26, 2024), Docket (Exhibit A) at 23 (ECF No. 219). The order instructed me and all other counsel to reserve those dates.

5. In view of that order, on September 3, 2024, I submitted a notice of conflicts with oral argument to this Court in this appeal identifying

November 4–6 as conflict dates. ECF No. 55. This Court accepted those conflict dates on September 4, 2024. ECF No. 56.

6. The Third Circuit later confirmed that the Boy Scouts appeal would be heard in Philadelphia on November 4. *Boy Scouts*, No. 23-1664 (3d Cir. Sept. 12, 2024), ECF No. 220 (Exhibit B).

7. The Third Circuit’s September 12 order stated that it was possible the Court would need to move the oral argument date. But based on the Third Circuit’s August 26 and September 12 orders, I sincerely believed that the *Boy Scouts* appeal would be argued on November 4, and that if the oral argument date moved at all, it would move to November 5.

8. On September 20, 2024, this Court set argument for this appeal to occur on November 7. ECF No. 57. I was prepared to appear before this Court and to deliver oral argument on the November 7 date.

9. Yesterday afternoon, at 4:35 PM Eastern Time, the Third Circuit unexpectedly and sua sponte rescheduled the November 4 *Boy Scouts* oral argument to November 6. *See Boy Scouts*, No. 23-1664 (3d Cir. Oct. 17, 2024), ECF No. 238 (Exhibit C). That argument will be in Philadelphia. *Id.* It is an enormously complex appeal involving dozens of parties and numerous arguing counsel, arising from a bankruptcy court proceeding that has been ongoing.

ing for multiple years. *See* Exhibit A at 1–20. Given the complexities in scheduling so many parties and arguing counsel, I do not believe that the Third Circuit would be willing to agree to move that oral argument again.

10. It would be very difficult for me to present the *Boy Scouts* oral argument to the Third Circuit on November 6 in Philadelphia and then to present this case to this Court on November 7 in Washington. It is my desire to be fully prepared to present this appeal orally in this Court, and to be acquainted before argument with all of the relevant precedents, the record, and the arguments. It would be difficult to become adequately prepared to present argument in this appeal and the exceptionally complex *Boy Scouts* appeal on consecutive days.

11. My appellate co-counsel in this case, Andrew Dufresne, also cannot feasibly argue this case on November 7 because he is scheduled to argue another appeal before this Court on November 5. *See Ancora Techs., Inc. v. Roku, Inc.*, Nos. 23-1674, 23-1701, ECF Nos. 44, 50, 60. And given the imminence of oral argument, substitution of another attorney would prejudice Oman Fasteners.

12. I have conferred about the substance of this motion with counsel for Mid Continent Steel and Wire (appellant in this appeal and appellee in

companion appeal No. 23-1039) and for the United States (appellee in companion appeal No. 23-1039). Counsel for Mid Continent indicated that it will not be able to take a position on this motion until Monday. Counsel for the United States indicated that it does not oppose this motion.

13. With the exception of Mid Continent, all arguing counsel in this appeal and in companion appeal No. 23-1039 have indicated that, if necessary, they are available for oral argument in either or both appeals during any business day of the following week in November 2024. Counsel also have no conflicts during the Court's scheduled December 2024 and January 2025 sittings, or on any business day in November or December 2024 with the exception of the following: November 1, 4-7, 20, 26; and December 23-27, 30-31.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: October 18, 2024

/s/Michael R. Huston
Michael R. Huston

Exhibit A

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 23-1664

Docketed: 04/10/2023

Nature of Suit: 3422 Bankruptcy Appeals Rule 28 USC 158

In re: Boy Scouts of America and Delaware BSA LLC

Appeal From: United States District Court for the District of Delaware

Fee Status: Paid

Case Type Information:

- 1) civil
- 2) private
- 3) Bankruptcy

Originating Court Information:

District: 0311-1 : [1-22-cv-01237](#)

Trial Judge: Richard G. Andrews, U.S. District Judge

Date Filed: 09/22/2022

Date Order/Judgment:
03/28/2023

Date Order/Judgment EOD:
03/28/2023

Date NOA Filed:
04/10/2023

District: 0311-1 : [1-22-cv-01258](#)

Trial Judge: Richard G. Andrews, U.S. District Judge

Date Filed: 09/23/2022

Date Order/Judgment:
10/17/2022

Date Order/Judgment EOD:
10/17/2022

Date NOA Filed:
04/27/2023

Prior Cases:

None

Current Cases:

| | Lead | Member | Start | End |
|--------|---------|-------------------------|------------|-----|
| joined | | | | |
| | 23-1664 | 23-1665 | 04/12/2023 | |
| | 23-1664 | 23-1666 | 04/11/2023 | |
| | 23-1664 | 23-1667 | 04/12/2023 | |
| | 23-1664 | 23-1668 | 04/11/2023 | |
| | 23-1664 | 23-1669 | 04/12/2023 | |
| | 23-1664 | 23-1670 | 04/12/2023 | |
| | 23-1664 | 23-1671 | 04/12/2023 | |
| | 23-1664 | 23-1672 | 04/12/2023 | |
| | 23-1664 | 23-1673 | 04/12/2023 | |
| | 23-1664 | 23-1674 | 04/12/2023 | |
| | 23-1664 | 23-1675 | 04/12/2023 | |
| | 23-1664 | 23-1676 | 04/12/2023 | |
| | 23-1664 | 23-1677 | 04/12/2023 | |
| | 23-1664 | 23-1678 | 04/12/2023 | |
| | 23-1664 | 23-1780 | 05/01/2023 | |

In re: BOY SCOUTS OF AMERICA
Debtor - Appellee

Derek C. Abbott, Esq.
Direct: 302-351-9357
Email: dabbott@morrisnichols.com
[COR NTC Retained]
Morris Nichols Arsht & Tunnell
1201 N Market Street
16th Floor
P.O. Box 1347
Wilmington, DE 19899

Ronald K. Gorsich, Esq.
Direct: 213-620-7769
Email: rgorsich@whitecase.com
Fax: 213-452-2329
[COR NTC Retained]
White & Case
555 S Flower Street
Suite 2700
Los Angeles, CA 90071

Michael Huston, Esq.
Direct: 202-434-1630
Email: mhuston@perkinscoie.com
[COR NTC Retained]
Perkins Coie
2525 E Camelback Road
Suite 500
Phoenix, AZ 85016

Glenn M. Kurtz, Esq.
Direct: 212-819-8252
Email: gkurtz@whitecase.com
Fax: 212-354-8113
[COR NTC Retained]
White & Case
1221 Avenue of the Americas
New York, NY 10020

Jessica C. Lauria, Esq.
Direct: 212-819-7097
Email: jessica.lauria@whitecase.com
[COR NTC Retained]
White & Case
1221 Avenue of the Americas
New York, NY 10020

Matthew E. Linder, Esq.
Direct: 312-881-5400
Email: mlinder@whitecase.com
[COR NTC Retained]
White & Case
111 S Wacker Drive
Suite 5100
Chicago, IL 33130

Andrew R. Remming, Esq.
Direct: 302-351-9405
Email: aremming@morrisnichols.com
Fax: 302-425-3003
[COR NTC Retained]
Morris Nichols Arsht & Tunnell
1201 N Market Street
16th Floor
P.O. Box 1347
Wilmington, DE 19899

Sophie Rogers Churchill, Esq.
Direct: 302-658-9200
Email: srchurchill@morrisnichols.com
Fax: 302-658-3989
[COR NTC Retained]
Morris Nichols Arsht & Tunnell
1201 N Market Street
16th Floor
P.O. Box 1347
Wilmington, DE 19899

Derek C. Abbott, Esq.
Direct: 302-351-9357
[COR NTC Retained]
(see above)

Ronald K. Gorsich, Esq.
Direct: 213-620-7769
[COR NTC Retained]
(see above)

Michael Huston, Esq.

DELAWARE BSA LLC
Debtor - Appellee

Direct: 202-434-1630
[COR NTC Retained]
(see above)

Glenn M. Kurtz, Esq.
Direct: 212-819-8252
[COR NTC Retained]
(see above)

Jessica C. Lauria, Esq.
Direct: 212-819-7097
[COR NTC Retained]
(see above)

Matthew E. Linder, Esq.
Direct: 312-881-5400
[COR NTC Retained]
(see above)

Andrew R. Remming, Esq.
Direct: 302-351-9405
[COR NTC Retained]
(see above)

Sophie Rogers Churchill, Esq.
Direct: 302-658-9200
[COR NTC Retained]
(see above)

LUJAN CLAIMANTS
Plaintiff - Appellant

Christopher D. Loizides, Esq.
Direct: 302-654-0248
Email: loizides@loizides.com
Fax: 302-654-0728
[COR NTC Retained]
Loizides
1225 King Street
Suite 800
Wilmington, DE 19801

Delia S. Lujan Wolff, Esq.
Direct: 671-477-8065
Email: dslwolff@lawguam.com
Fax: 671-477-5297
[COR NTC Retained]
Lujan & Wolff
238 Archbishop
Suite 300, DNA Building
Hagatna, 96920 GU
Guam

v.

NATIONAL UNION FIRE INSURANCE CO OF PITTSBURGH
PENNSYLVANIA
Defendant

Theodore J. Boutrous, Jr., Esq.
Direct: 213-229-7804
Email: tboutrous@gibsondunn.com
Fax: 213-229-6804
[NTC Retained]
Gibson Dunn & Crutcher
333 S Grand Avenue
Suite 4600
Los Angeles, CA 90071

Richard J. Doren, Esq.
Direct: 213-229-7038
Email: rdoren@gibsondunn.com
[NTC Retained]
Gibson Dunn & Crutcher

333 S Grand Avenue
Suite 4600
Los Angeles, CA 90071

Blaine H. Evanson, Esq.
Direct: 949-451-3805
Email: bevanson@gibsondunn.com
Fax: 949-451-4220
[NTC Retained]
Gibson Dunn & Crutcher
3161 Michelson Drive
Suite 1200
Irvine, CA 92612

Susan N. Gummow, Esq.
Direct: 312-863-5000
Email: sgummow@fgppr.com
Fax: 312-863-5099
[NTC Retained]
Foran Glennon Palandech Ponzi & Rudloff
222 N LaSalle Street
Suite 1400
Chicago, IL 60601

James L. Hallowell, Esq.
Direct: 212-351-4000
Email: jhallowell@gibsondunn.com
[NTC Retained]
Gibson Dunn & Crutcher
200 Park Avenue
47th Floor
New York, NY 10166

Mitchell A. Karlan, Esq.
Direct: 212-351-4000
Email: mkarlan@gibsondunn.com
[NTC Retained]
Gibson Dunn & Crutcher
200 Park Avenue
47th Floor
New York, NY 10166

Deirdre M. Richards, Esq.
Direct: 302-384-9402
Email: dmr@elliottgreenleaf.com
Fax: 302-384-9399
[NTC Retained]
Elliott Greenleaf
1105 N Market Street
Suite 1700
Wilmington, DE 19801

Seth M. Rokosky, Esq.
Direct: 212-351-6389
Email: srokosky@gibsondunn.com
[NTC Retained]
Gibson Dunn & Crutcher
200 Park Avenue
47th Floor
New York, NY 10166

Michael A. Rosenthal, Esq.
Direct: 212-351-4000
Email: mrosenthal@gibsondunn.com
[NTC Retained]
Gibson Dunn & Crutcher
200 Park Avenue
47th Floor
New York, NY 10166

LEXINGTON INSURANCE CO
Defendant

Theodore J. Boutrous, Jr., Esq.
Direct: 213-229-7804
[NTC Retained]
(see above)

Richard J. Doren, Esq.
Direct: 213-229-7038
[NTC Retained]
(see above)

Blaine H. Evanson, Esq.
Direct: 949-451-3805
[NTC Retained]
(see above)

Susan N. Gummow, Esq.
Direct: 312-863-5000
[NTC Retained]
(see above)

James L. Hollowell, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Mitchell A. Karlan, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Deirdre M. Richards, Esq.
Direct: 302-384-9402
[NTC Retained]
(see above)

Seth M. Rokosky, Esq.
Direct: 212-351-6389
[NTC Retained]
(see above)

Michael A. Rosenthal, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

LANDMARK INSURANCE CO
Defendant

Richard J. Doren, Esq.
Direct: 213-229-7038
[NTC Retained]
(see above)

Susan N. Gummow, Esq.
Direct: 312-863-5000
[NTC Retained]
(see above)

James L. Hollowell, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Mitchell A. Karlan, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Deirdre M. Richards, Esq.
Direct: 302-384-9402
[NTC Retained]
(see above)

INSURANCE CO OF THE STATE OF PENNSYLVANIA
Defendant

Seth M. Rokosky, Esq.
Direct: 212-351-6389
[NTC Retained]
(see above)

Michael A. Rosenthal, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Richard J. Doren, Esq.
Direct: 213-229-7038
[NTC Retained]
(see above)

Blaine H. Evanson, Esq.
Direct: 949-451-3805
[NTC Retained]
(see above)

Susan N. Gummow, Esq.
Direct: 312-863-5000
[NTC Retained]
(see above)

James L. Hallowell, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Mitchell A. Karlan, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

Deirdre M. Richards, Esq.
Direct: 302-384-9402
[NTC Retained]
(see above)

Seth M. Rokosky, Esq.
Direct: 212-351-6389
[NTC Retained]
(see above)

Michael A. Rosenthal, Esq.
Direct: 212-351-4000
[NTC Retained]
(see above)

TRAVELERS CASUALTY & SURETY CO
Defendant

Louis J. Rizzo, Jr., Esq.
Direct: 302-477-7100
Email: lrizzo@regerlaw.com
Fax: 302-652-3620
[NTC Retained]
Reger Rizzo & Darnall
1521 Concord Pike
Brandywine Plaza West, Suite 305
Wilmington, DE 19803

ST PAUL SURPLUS LINES INSURANCE CO
Defendant

Louis J. Rizzo, Jr., Esq.
Direct: 302-477-7100
[NTC Retained]
(see above)

GULF INSURANCE CO
Defendant

Louis J. Rizzo, Jr., Esq.
Direct: 302-477-7100
[NTC Retained]

GENERAL STAR INDEMNITY CO
Defendant

(see above)

Mary E. Borja, Esq.
Direct: 202-719-7000
Email: mborja@wileyrein.com
Fax: 202-719-7049
[NTC Retained]
Wiley Rein
2050 M Street NW
Washington, DC 20036

Ashley-Anne Criss, Esq.
Direct: 202-719-3565
Email: acriss@wiley.law
[NTC Retained]
Wiley Rein
2050 M Street NW
Washington, DC 20036

Kathleen M. Miller, Esq.
Direct: 302-652-8400
Email: kmiller@skjlaw.com
Fax: 302-652-8405
[NTC Retained]
Smith Katzenstein & Jenkins
1000 N West Street
The Brandywine Building, Suite 1501
Wilmington, DE 19801

INDIAN HARBOR INSURANCE CO
Defendant

Lloyd A. Gura, Esq.
Direct: 212-804-4200
Email: lgura@moundcotton.com
[NTC Retained]
Mound Cotton Wollan & Greengrass
One New York Plaza
44th Floor
New York, NY 10004

Kathleen M. Miller, Esq.
Direct: 302-652-8400
[NTC Retained]
(see above)

Pamela J. Milnetto, Esq.
Email: pminetto@moundcotton.com
[NTC Retained]
Mound Cotton Wollan & Greengrass
One New York Plaza
44th Floor
New York, NY 10004

MUNICH REINSURANCE AMERICA INC
Defendant

William E. McGrath, Jr., Esq.
Direct: 609-924-6000
Email: wmcgrath@dilworthlaw.com
Fax: 609-987-6651
[NTC Retained]
Dilworth Paxson
2 Research Way
Princeton, NJ 08540

Thaddeus J. Weaver, Esq.
Direct: 302-571-8867
Email: tweaver@dilworthlaw.com
Fax: 302-351-8735
[NTC Retained]
Dilworth Paxson
800 N King Street
Suite 202
Wilmington, DE 19801

ARCH INSURANCE CO
Defendant

Matthew A. Hamermesh, Esq.
Direct: 215496-7054
Email: mah@hangley.com
Fax: 215-568-0300
[NTC Retained]
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square
18th & Cherry Streets, 27th Floor
Philadelphia, PA 19103

Kathleen M. Miller, Esq.
Direct: 302-652-8400
[NTC Retained]
(see above)

Ronald P. Schiller, Esq.
Direct: 215-496-7020
Email: rschiller@hangley.com
Fax: 215-851-1020
[NTC Retained]
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square
18th & Cherry Streets, 27th Floor
Philadelphia, PA 19103

GEMINI INSURANCE CO
Defendant

John E.W. Baay, II, Esq.
Direct: 504-561-0400
Email: jbaay@gllaw.com
[NTC Retained]
Gieger Laborde & Laperouse
701 Poydras Street
Suite 4800
New Orleans, LA 70139

Brian A. Sullivan, Esq.
Direct: 302-652-1100
Email: bsullivan@werbsullivan.com
Fax: 302-652-1111
[NTC Retained]
Werb & Sullivan
1225 N King Street
Suite 600
Wilmington, DE 19801

William H. White, Jr., Esq.
Direct: 202-712-7000
Email: swhite@kiernantrebach.com
[NTC Retained]
Kiernan Trebach
1233 20th Street NW
8th Floor
Washington, DC 20036

D & V CLAIMANTS
Defendant

Charles J. Brown, III, Esq.
Direct: 302-425-5800
Email: cbrown@gsbblaw.com
Fax: 302-425-5814
[NTC Retained]
Gellert Seitz Busenkell & Brown
1201 N Orange Street
Suite 300
Wilmington, DE 19801

Gilion C. Dumas, Esq.
Direct: 503-952-6789
Email: gilion@dumasandvaughn.com
[NTC Retained]
Dumas & Vaughn
3835 NE Hancock Street

ARROWOOD INDEMNITY
Defendant

ALLIANZ GLOBAL RISKS US INSURANCE CO
Defendant

NATIONAL SURETY CORP
Defendant

LIBERTY MUTUAL INSURANCE CO
Defendant

OHIO CASUALTY INSURANCE CO
Defendant

Suite GLB
Portland, OR 97212

Michael J. Joyce, Esq.
Direct: 302-388-1944
Email: mjoyce@mjlawoffices.com
[NTC Retained]
Suite 800
1225 King Street
Wilmington, DE 19801

David M. Fournier, Esq.
Direct: 302-777-6587
Email: david.fournier@troutman.com
Fax: 302-421-8390
[NTC Retained]
Troutman Pepper
1313 Market Street
Suite 1000, Hercules Plaza
P.O. Box 1709
Wilmington, DE 19899

David M. Fournier, Esq.
Direct: 302-777-6587
[NTC Retained]
(see above)

Douglas R. Gooding, Esq.
Direct: 617-248-5277
Email: dgooding@choate.com
Fax: 617-502-5277
[NTC Retained]
Choate Hall & Stewart
Two International Place
Boston, MA 02110

Robert K. Hill, Esq.
Direct: 302-888-0600
Email: khill@svglaw.com
Fax: 302-888-0606
[NTC Retained]
Seitz Van Ogtrop & Green
222 Delaware Avenue
Suite 1500, P.O. Box 68
Wilmington, DE 19801

Kim V. Marrkand, Esq.
Direct: 617-542-6000
Email: kmarrkand@mintz.com
[NTC Retained]
Mintz Levin Cohn Ferris Glovsky & Popeo
One Financial Center
Boston, MA 02111

Jonathan D. Marshall, Esq.
Direct: 617-248-4799
Email: jmarshall@choate.com
Fax: 617-502-4799
[NTC Retained]
Choate Hall & Stewart
Two International Place
Boston, MA 02110

Douglas R. Gooding, Esq.
Direct: 617-248-5277
[NTC Retained]
(see above)

Robert K. Hill, Esq.

LIBERTY INSURANCE UNDERWRITERS INC
Defendant

Direct: 302-888-0600
[NTC Retained]
(see above)

Kim V. Marrkand, Esq.
Direct: 617-542-6000
[NTC Retained]
(see above)

Jonathan D. Marshall, Esq.
Direct: 617-248-4799
[NTC Retained]
(see above)

Douglas R. Gooding, Esq.
Direct: 617-248-5277
[NTC Retained]
(see above)

Robert K. Hill, Esq.
Direct: 302-888-0600
[NTC Retained]
(see above)

Kim V. Marrkand, Esq.
Direct: 617-542-6000
[NTC Retained]
(see above)

Jonathan D. Marshall, Esq.
Direct: 617-248-4799
[NTC Retained]
(see above)

LIBERTY SURPLUS INSURANCE
Defendant

Douglas R. Gooding, Esq.
Direct: 617-248-5277
[NTC Retained]
(see above)

Robert K. Hill, Esq.
Direct: 302-888-0600
[NTC Retained]
(see above)

Kim V. Marrkand, Esq.
Direct: 617-542-6000
[NTC Retained]
(see above)

Jonathan D. Marshall, Esq.
Direct: 617-248-4799
[NTC Retained]
(see above)

ARGONAUT INSURANCE CO
Defendant

Kathleen K. Kerns, Esq.
Direct: 215-587-5932
Email: kkerns@postschell.com
Fax: 215-320-4181
[NTC Retained]
Post & Schell
Three Logan Square
1717 Arch Street
24th Floor
Philadelphia, PA 19103

Paul A. Logan, Esq.
Direct: 302-251-8856
Email: plogan@postschell.com
[NTC Retained]

COLONY INSURANCE CO
Defendant

Post & Schell
300 Delaware Avenue
Suite 1380
Wilmington, DE 19801

Kathleen K. Kerns, Esq.
Direct: 215-587-5932
[NTC Retained]
(see above)

Paul A. Logan, Esq.
Direct: 302-251-8856
[NTC Retained]
(see above)

GREAT AMERICAN ASSURANCE CO
Defendant

Bruce D. Celebrezze, Esq.
Email: bruce.celebrezze@clydeco.us
[NTC Retained]
Clyde & Co
150 California Street
15th Floor
San Francisco, CA 94111

Konrad R. Krebs, Esq.
Direct: 215-960-5263
Email: konrad.krebs@clydeco.us
[NTC Retained]
Clyde & Co
340 Mt. Kemble Avenue
Suite 300
Morristown, NJ 07960

Bruce W. McCullough, Esq.
Direct: 302-655-6749
Email: bmccullough@bodellbove.com
Fax: 302-655-6827
[NTC Retained]
Bodell Bove
1225 N King Street
Suite 1000
Wilmington, DE 19801

GREAT AMERICAN E&S INSURANCE CO
Defendant - Appellee

Bruce D. Celebrezze, Esq.
[NTC Retained]
(see above)

Konrad R. Krebs, Esq.
Direct: 215-960-5263
[NTC Retained]
(see above)

Bruce W. McCullough, Esq.
Direct: 302-655-6749
[NTC Retained]
(see above)

CONTINENTAL INSURANCE CO
Defendant

Laura K. McNally, Esq.
Direct: 312-399-4912
Email: lmcnally@loeb.com
[NTC Retained]
Loeb & Loeb
411 S La Grange Road
La Grange, IL 60525

Maria A. Sawczuk, Esq.
Direct: 302-444-6710
Email: marias@goldmclaw.com
Fax: 302-444-6709
[NTC Retained]

| | |
|--|---|
| | Goldstein & McClintock 501 Silverside Road Suite 65 Wilmington, DE 19809 |
| COLUMBIA CASUALTY CO Defendant | Laura K. McNally, Esq. Direct: 312-399-4912 [NTC Retained] (see above) |
| | Maria A. Sawczuk, Esq. Direct: 302-444-6710 [NTC Retained] (see above) |
| TRADERS AND PACIFIC INSURANCE CO Defendant | Marla S. Benedek, Esq. Direct: 302-295-2024 Email: mbenedek@cozen.com Fax: 302-250-4498 [NTC Retained] Cozen O'Connor 1201 N Market Street Suite 1001 Wilmington, DE 19801 |
| ENDURANCE AMERICAN SPECIALTY INSURANCE CO Defendant | Marla S. Benedek, Esq. Direct: 302-295-2024 [NTC Retained] (see above) |
| ENDURANCE AMERICAN INSURANCE CO Defendant | Marla S. Benedek, Esq. Direct: 302-295-2024 [NTC Retained] (see above) |
| INTERSTATE FIRE & CASUALTY CO Defendant - Appellee | David M. Fournier, Esq. Direct: 302-777-6587 [NTC Retained] (see above) |
| TORT CLAIMANTS COMMITTEE Defendant | Debra I. Grassgreen, Esq. Email: dgrassgreen@pszjlaw.com [NTC Retained] Pachulski Stang Ziehl & Jones 919 N Market Street P.O. Box 8705, 17th Floor Wilmington, DE 19801 |
| | Alan J. Kornfeld, Esq. Direct: 310-277-6910 Email: akornfeld@pszjlaw.com Fax: 310-201-0760 [NTC Retained] Pachulski Stang Ziehl & Jones 10100 Santa Monica Boulevard Suite 1300 Los Angeles, CA 90067 |
| | Iain A.W. Nasatir, Esq. Email: inasatir@pszjlaw.com [NTC Retained] Pachulski Stang Ziehl & Jones 919 N Market Street P.O. Box 8705, 17th Floor Wilmington, DE 19801 |
| | James E. O'Neill, III, Esq. Direct: 302-652-4100 Email: joneill@pszjlaw.com |

COALITION OF ABUSED SCOUTS FOR JUSTICE
Defendant - Appellee

FUTURE CLAIMANTS REPRESENTATIVE
Defendant - Appellee

Fax: 302-652-4400
[NTC Retained]
Pachulski Stang Ziehl & Jones
919 N Market Street
P.O. Box 8705, 17th Floor
Wilmington, DE 19801

Richard M. Pachulski, Esq.
Email: rpachulski@pszjlaw.com
[NTC Retained]
Pachulski Stang Ziehl & Jones
919 N Market Street
P.O. Box 8705, 17th Floor
Wilmington, DE 19801

Eric R. Goodman, Esq.
Email: egoodman@brownrudnick.com
[Retained]
Brown Rudnick
7 Times Square
47th Floor
New York, NY 10036

Rachel B. Mersky, Esq.
Direct: 302-656-8162
Email: rmersky@monlaw.com
Fax: 302-656-2769
[COR NTC Retained]
Monzack Mersky McLaughlin & Browder
1201 N Orange Street
Suite 400
Wilmington, DE 19899

David J. Molton, Esq.
Email: dmolton@brownrudnick.com
[Retained]
Brown Rudnick
7 Times Square
47th Floor
New York, NY 10036

Robert S. Brady, Esq.
Direct: 302-571-6600
Email: rbrady@ycst.com
Fax: 302-571-1253
[COR NTC Retained]
Young Conaway Stargatt & Taylor
1000 N King Street
Rodney Square
Wilmington, DE 19801

Kyle Y. Dechant, Esq.
[Retained]
Gilbert
700 Pennsylvania Avenue SE
Suite 400
Washington, DC 20003

Kenneth J. Enos, Esq.
Direct: 302-571-6600
Email: kenos@ycst.com
[Retained]
Young Conaway Stargatt & Taylor
1000 N King Street
Rodney Square
Wilmington, DE 19801

Emily Grim, Esq.
Direct: 202-772-3926

ZALKIN LAW FIRM PC
Defendant

Email: grime@gilbertlegal.com
[COR NTC Retained]
Gilbert
700 Pennsylvania Avenue SE
Suite 400
Washington, DC 20003

Edwin J. Harron, Esq.
Direct: 302-571-6600
Email: eharron@ycst.com
Fax: 302-571-1253
[COR NTC Retained]
Young Conaway Stargatt & Taylor
1000 N King Street
Rodney Square
Wilmington, DE 19801

December L. Huddleston, Esq.
Email: huddlestond@gilbertlegal.com
[Retained]
Gilbert
700 Pennsylvania Avenue SE
Suite 400
Washington, DC 20003

Ashley E. Jacobs, Esq.
Direct: 302-571-6600
Email: ajacobs@ycst.com
[Retained]
Young Conaway Stargatt & Taylor
1000 N King Street
Rodney Square
Wilmington, DE 19801

Kami E. Quinn, Esq.
Direct: 202-772-2336
Email: quinnk@gilbertlegal.com
[COR NTC Retained]
Gilbert
700 Pennsylvania Avenue SE
Suite 400
Washington, DC 20003

Daniel J. Bussel, Esq.
Direct: 310-407-4000
Email: dbussel@ktbslaw.com
[COR NTC Retained]
Klee Tuchin Bogdanoff & Stern
1801 Century Park East
26th Floor
Los Angeles, CA 90067

David M. Klauder, Esq.
Direct: 302-803-4600
Email: dklauder@bk-legal.com
Fax: 302-397-2557
[NTC Retained]
Bielli & Klauder
1204 N King Street
Wilmington, DE 19801

Thomas E. Patterson, Esq.
Direct: 310-407-4000
Email: tpatterson@ktbslaw.com
Fax: 310-407-9090
[COR NTC Retained]
Klee Tuchin Bogdanoff & Stern
1801 Century Park East
26th Floor

PFAU COCHRAN VERTETIS AMALA PLLC
Defendant - Appellee

HARTFORD ACCIDENT & INDEMNITY CO
Defendant

FIRST STATE INSURANCE CO
Defendant

TWIN CITY FIRE INSURANCE CO
Defendant

Los Angeles, CA 90067

Daniel J. Bussel, Esq.
Direct: 310-407-4000
[COR NTC Retained]
(see above)

David M. Klauder, Esq.
Direct: 302-803-4600
[NTC Retained]
(see above)

Thomas E. Patterson, Esq.
Direct: 310-407-4000
[COR NTC Retained]
(see above)

Philip D. Anker, Esq.
Direct: 212-230-8890
Email: philip.anker@wilmerhale.com
Fax: 212-230-8888
[COR NTC Retained]
WilmerHale
7 World Trade Center
250 Greenwich Street
New York, NY 10007

Daniel N. Brogan, Esq.
Direct: 302-429-4266
Email: dbrogan@bayardlaw.com
[NTC Retained]
Bayard
600 N King Street
Suite 400
Wilmington, DE 19801

Gregory J. Flasser, Esq.
Email: gflasser@bayardlaw.com
[NTC Retained]
Bayard
600 N King Street
Suite 400
Wilmington, DE 19801

Philip D. Anker, Esq.
Direct: 212-230-8890
[COR NTC Retained]
(see above)

Daniel N. Brogan, Esq.
Direct: 302-429-4266
[NTC Retained]
(see above)

Gregory J. Flasser, Esq.
[NTC Retained]
(see above)

Philip D. Anker, Esq.
Direct: 212-230-8890
[COR NTC Retained]
(see above)

Daniel N. Brogan, Esq.
Direct: 302-429-4266
[NTC Retained]
(see above)

Gregory J. Flasser, Esq.

| | |
|--|---|
| | [NTC Retained] (see above) |
| AMERICAN ZURICH INSURANCE CO Defendant | Robert D. Cecil, Jr., Esq. Email: robert.cecil@delaware.gov [NTC Retained] Tybout Redfearn & Pell 501 Carr Road Suite 300 Wilmington, DE 19809 |
| AMERICAN GUARANTEE INSURANCE CO Defendant | Robert D. Cecil, Jr., Esq. [NTC Retained] (see above) |
| STEADFAST INSURANCE CO Defendant | Robert D. Cecil, Jr., Esq. [NTC Retained] (see above) |
| CLARENDON NATIONAL INSURANCE CO Defendant | Matthew G. Summers, Esq. Direct: 302-252-4428 Email: summersm@ballardspahr.com Fax: 302-252-4428 [NTC Retained] Ballard Spahr 919 N Market Street 11th Floor Wilmington, DE 19801 |
| RIVER THAMES INSURANCE CO Defendant | Matthew G. Summers, Esq. Direct: 302-252-4428 [NTC Retained] (see above) |
| ZURICH AMERICAN INSURANCE CO Defendant | Matthew G. Summers, Esq. Direct: 302-252-4428 [NTC Retained] (see above) |
| OFFICIAL COMMITTEE OF UNSECURED CREDITORS Defendant | Mark W. Eckard, Esq. Direct: 302-772-5807 Email: meckard@raineslaw.com [NTC Retained] Raines Feldman Littrell 1200 N Broom Street Wilmington, DE 19806 |
| | Kurt F. Gwynne, Esq. Email: kgwynne@reedsmith.com [NTC Retained] Reed Smith 1201 N Market Street Suite 1500 Wilmington, DE 19801 |
| AD HOC COMMITTEE OF LOCAL COUNCILS OF THE BOY SCOUTS OF AMERICA Defendant - Appellee | R. Craig Martin, Esq. Direct: 302-468-5700 Email: craig.martin@dlapiper.com Fax: 302-778-7834 [COR NTC Retained] DLA Piper 1201 N Market Street Suite 2100 Wilmington, DE 19801 |
| FEDERAL INSURANCE CO Defendant - Appellee | David Elbaum, Esq. Direct: 212-455-2000 Email: david.elbaum@stblaw.com [COR NTC Retained] |

WESTCHESTER FIRE INSURANCE CO
Defendant - Appellee

OLD REPUBLIC INSURANCE CO
Defendant

CENTURY INDEMNITY CO
Defendant - Appellee

Simpson Thacher & Bartlett
425 Lexington Avenue
New York, NY 10017

Stamatios Stamoulis, Esq.
Direct: 302-999-1540
Email: stamoulis@swdelaw.com
Fax: 302-762-1688
[COR NTC Retained]
Stamoulis & Weinblatt
800 N West Street
3rd Floor
Wilmington, DE 19801

David Elbaum, Esq.
Direct: 212-455-2000
[COR NTC Retained]
(see above)

Stamatios Stamoulis, Esq.
Direct: 302-999-1540
[COR NTC Retained]
(see above)

Carl N. Kunz, III, Esq.
Direct: 302-888-6811
Email: ckunz@morrisjames.com
Fax: 302-888-1750
[NTC Retained]
Morris James
500 Delaware Avenue
Suite 1500
Wilmington, DE 19801

Stephen M. Miller, Esq.
Direct: 302-888-6853
Email: smiller@morrisjames.com
Fax: 302-571-1750
[NTC Retained]
Morris James
500 Delaware Avenue
Suite 1500
Wilmington, DE 19801

Jonathan D. Hacker, Esq.
Direct: 202-383-5300
Email: jhacker@omm.com
Fax: 202-383-5414
[COR NTC Retained]
O'Melveny & Myers
1625 Eye Street NW
Washington, DC 20006

Nicole Molner, Esq.
Direct: 212-326-2000
Email: nmolner@omm.com
[COR NTC Retained]
O'Melveny & Myers
1301 Avenue of the Americas
Suite 1700
New York, NY 10019

Tancred V. Schiavoni, Esq.
Direct: 212-326-2267
Email: tschiavoni@omm.com
Fax: 212-326-2061
[COR NTC Retained]
O'Melveny & Myers
1301 Avenue of the Americas

CHUBB GROUP HOLDINGS INC
Defendant - Appellee

BSA SETTLEMENT TRUST
Proposed Intervenor

BARBARA J. HOUSER, Trustee of the BSA Settlement Trust
Proposed Intervenor

Suite 1700
New York, NY 10019

Stamatios Stamoulis, Esq.
Direct: 302-999-1540
[COR NTC Retained]
(see above)

Stephen H. Warren, Esq.
Direct: 213-430-7875
Email: swarren@omm.com
[COR NTC Retained]
O'Melveny & Myers
400 S Hope Street
18th Floor
Los Angeles, CA 90071

Stamatios Stamoulis, Esq.
Direct: 302-999-1540
[COR NTC Retained]
(see above)

Eric R. Goodman, Esq.
[NTC Retained]
(see above)

John W. Lucas
Email: jlucas@pszjlaw.com
[NTC Retained]
Pachulski Stang Ziehl & Jones
919 N Market Street
P.O. Box 8705, 17th Floor
Wilmington, DE 19801

David J. Molton, Esq.
[NTC Retained]
(see above)

James E. O'Neill, Esq.
Direct: 302-778-6407
Email: joneill@pszjlaw.com
[NTC Retained]
Pachulski Stang Ziehl & Jones
919 N Market Street
P.O. Box 8705, 17th Floor
Wilmington, DE 19801

Isaac M. Pachulski, Esq.
Email: ipachulski@pszjlaw.com
[NTC Retained]
Pachulski Stang Ziehl & Jones
10100 Santa Monica Boulevard
Suite 1300
Los Angeles, CA 90067

Richard M. Pachulski, Esq.
[NTC Retained]
(see above)

Eric R. Goodman, Esq.
[NTC Retained]
(see above)

John W. Lucas
[NTC Retained]
(see above)

David J. Molton, Esq.
[NTC Retained]

| | |
|--|--|
| | (see above) |
| | James E. O'Neill, Esq. Direct: 302-778-6407 [NTC Retained] (see above) |
| | Isaac M. Pachulski, Esq. [NTC Retained] (see above) |
| | Richard M. Pachulski, Esq. [NTC Retained] (see above) |
| NAVIGATORS SPECIALTY INSURANCE CO Defendant - Appellee | Philip D. Anker, Esq. Direct: 212-230-8890 [COR NTC Retained] (see above) |
| | Daniel N. Brogan, Esq. Direct: 302-429-4266 [NTC Retained] (see above) |
| | Gregory J. Flasser, Esq. [NTC Retained] (see above) |
| ----- | |
| CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS Amicus Appellee | Gregory G. Garre, Esq. Direct: 202-637-2207 Email: gregory.garre@lw.com Fax: 202-637-2201 [COR NTC Retained] Latham & Watkins 555 11th Street NW Suite 1000 Washington, DC 20004 |
| | Eric Konopka, Esq. Direct: 202-637-2200 Email: eric.konopka@lw.com Fax: 202-637-2201 [COR NTC Retained] Latham & Watkins 555 11th Street NW Suite 1000 Washington, DC 20004 |
| ESTATE OF HARRY BABCOCK Amicus Appellee | Adam J. Tragone, Esq. Direct: 202-909-3693 Email: AJT180@pitt.edu [COR NTC Retained] University of Pittsburgh School of Law 3900 Forbes Avenue Pittsburgh, PA 15260 |
| FLORIAN GORSKI Amicus Appellee | Adam J. Tragone, Esq. Direct: 202-909-3693 [COR NTC Retained] (see above) |
| DOUGLAS KENNEDY Amicus Appellee | Adam J. Tragone, Esq. Direct: 202-909-3693 [COR NTC Retained] (see above) |

CRAIG MILLER
Amicus Appellee

Adam J. Tragone, Esq.
Direct: 202-909-3693
[COR NTC Retained]
(see above)

KRISTOFER PYORRE
Amicus Appellee

Adam J. Tragone, Esq.
Direct: 202-909-3693
[COR NTC Retained]
(see above)

FRANK S.
Amicus Appellee

Adam J. Tragone, Esq.
Direct: 202-909-3693
[COR NTC Retained]
(see above)

THEODORE W.
Amicus Appellee

Adam J. Tragone, Esq.
Direct: 202-909-3693
[COR NTC Retained]
(see above)

ROBERT ZILLOX
Amicus Appellee

Adam J. Tragone, Esq.
Direct: 202-909-3693
[COR NTC Retained]
(see above)

In re: BOY SCOUTS OF AMERICA; and DELAWARE BSA LLC;
Debtors

LUJAN CLAIMANTS,
Appellants

| | | |
|------------|--|---|
| 08/07/2024 | <input type="checkbox"/> 198 42 pg, 254.52 KB | ECF FILER: ELECTRONIC SUPPLEMENTAL BRIEF on behalf of Appellee Navigators Specialty Insurance Co in 23-1664, Appellees Navigators Specialty Insurance Co, Hartford Accident & Indemnity Co, First State Insurance Co and Twin City Fire Insurance Co in 23-1666. Certificate of Service dated 08/07/2024 by ECF. [23-1664, 23-1666] (PDA) [Entered: 08/07/2024 03:33 PM] |
| 08/07/2024 | <input type="checkbox"/> 199 8 pg, 126.75 KB | ECF FILER: Motion filed by The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole to proceed as amicus on the merits in support of Appellee/Respondent. Certificate of Service dated 08/07/2024. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (GGG) [Entered: 08/07/2024 03:51 PM] |
| 08/07/2024 | <input type="checkbox"/> 200 25 pg, 173.49 KB | ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole in support of Appellee/Respondent. Certificate of Service dated 08/07/2024 by ECF. F.R.A.P. 29(a) Permission: NO. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (GGG) [Entered: 08/07/2024 04:00 PM] |
| 08/07/2024 | <input type="checkbox"/> 201 2 pg, 45.67 KB | ECF FILER: DISCLOSURE STATEMENT on behalf of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (GGG) [Entered: 08/07/2024 04:02 PM] |
| 08/07/2024 | <input type="checkbox"/> 202 5 pg, 1.05 MB | ECF FILER: Motion filed by to proceed as amicus on the merits in support of Appellee/Respondent. Certificate of Service dated 08/07/2024. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AJT) [Entered: 08/07/2024 04:04 PM] |
| 08/07/2024 | <input type="checkbox"/> 203 2 pg, 120.65 KB | ECF FILER: ENTRY OF APPEARANCE from Adam J. Tragone on behalf of Amicus Curiae Florian Gorski, Janice Babcock, Douglas Kennedy, Robert Zillox, Craig Miller, Kristofer Pyorre, and Theodore W. Frank. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AJT) [Entered: 08/07/2024 04:09 PM] |
| 08/07/2024 | <input type="checkbox"/> 204 25 pg, 1.96 MB | ECF FILER: ELECTRONIC AMICUS BRIEF on the merits on behalf of Amici Curiae Florian Gorski, Janice Babcock, Douglas Kennedy, Robert Zillox, Craig Miller, Kristofer Pyorre, Theodore W., and Frank S. in support of Appellee/Respondent. Certificate of Service dated 08/07/2024 by ECF. F.R.A.P. 29(a) Permission: NO. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AJT) [Entered: 08/07/2024 04:17 PM] |
| 08/07/2024 | <input type="checkbox"/> 205 1 pg, 145.08 KB | ECF FILER: ENTRY OF APPEARANCE from Eric J. Konopka on behalf of Amicus Curiae The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (EK) [Entered: 08/07/2024 04:20 PM] |
| 08/07/2024 | <input type="checkbox"/> 206 100 pg, 647.7 KB | ECF FILER: ELECTRONIC SUPPLEMENTAL BRIEF with Exhibit attached on behalf of Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 08/07/2024 by ECF. --[Edited 08/12/2024 by EAF - Text edited] [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (SR) [Entered: 08/07/2024 04:27 PM] |
| 08/07/2024 | <input type="checkbox"/> 207 30 pg, 265.75 KB | ECF FILER: ELECTRONIC SUPPLEMENTAL BRIEF on behalf of Appellee Future Claimants Representative in 23-1664, 23-1665, 23-1666, 23-1667, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 08/07/2024 by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (RSB) [Entered: 08/07/2024 04:34 PM] |
| 08/07/2024 | <input type="checkbox"/> 208 47 pg, 514.05 KB | ECF FILER: ELECTRONIC SUPPLEMENTAL BRIEF on behalf of Appellant Lujan Claimants. Certificate of Service dated 08/07/2024 by ECF. [23-1664] (CDL) [Entered: 08/07/2024 04:39 PM] |
| 08/08/2024 | <input type="checkbox"/> 209 | HARD COPY RECEIVED from Appellee Navigators Specialty Insurance Co in 23-1664, Appellees First State Insurance Co, Hartford Accident & Indemnity Co, Navigators Specialty Insurance Co and Twin City Fire Insurance Co in 23-1666 - Supplemental Brief. Copies: 7. [23-1664, 23-1666] (TMS) [Entered: 08/08/2024 12:16 PM] |
| 08/09/2024 | <input type="checkbox"/> 211 | TEXT ORDER (Clerk) directing Attorney Gregory G. Garre, Esq. for Proposed Amicus-Appellee Church of Jesus Christ of Latter Day Saints in 23-1664 to file an Entry of Appearance pursuant to L.A.R. 46.2. Due on or before 08/12/2024. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (MCW) [Entered: 08/09/2024 03:57 PM] |
| 08/09/2024 | <input type="checkbox"/> 212 1 pg, 145.47 KB | ECF FILER: ENTRY OF APPEARANCE from Gregory G. Garre on behalf of Amicus Curiae The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (GGG) [Entered: 08/09/2024 04:14 PM] |

| | | |
|------------|---|--|
| 08/12/2024 | <input type="checkbox"/> 213 1 pg, 173.6 KB | TEXT ORDER (Clerk) directing Attorney Sophie Rogers Churchill, Esq. for Appellees Boy Scouts of America and Delaware BSA LLC to file an addendum to brief containing the virus certification (in electronic format ONLY) that was omitted from the Appellee's Brief filed on 8/7/24 in 23-1664, 23-1666, 23-1668, 23-1665, 23-1673, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780 filed on 8/7/24. Due on or before 08/15/2024. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (EAF) [Entered: 08/12/2024 10:07 AM] |
| 08/12/2024 | <input type="checkbox"/> 214 3 pg, 91.53 KB | ECF FILER: ELECTRONIC ADDENDUM to BRIEF on behalf of Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780 containing Addendum to Supplemental Brief of Appellees Boy Scouts of America, the Ad Hoc Committee of Local Councils and the Coalition of Abused Scouts for Justice containing the virus certification (in electronic format ONLY). Certificate of Service dated 08/12/2024 by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (SR) [Entered: 08/12/2024 11:13 AM] |
| 08/12/2024 | <input type="checkbox"/> 215 | HARD COPY RECEIVED from Proposed Amicus-Appellee Church of Jesus Christ of Latter Day Saints in 23-1664, 23-1666, 23-1668, 23-1665, 23-1673, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780 - Amicus Brief. Copies: 7. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (TMS) [Entered: 08/12/2024 02:37 PM] |
| 08/12/2024 | <input type="checkbox"/> 216 | COMPLIANCE RECEIVED. Addendum to Brief containing virus certification in electronic format ONLY received from Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1666, 23-1668, 23-1665, 23-1673, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (EAF) [Entered: 08/13/2024 01:59 PM] |
| 08/22/2024 | <input type="checkbox"/> 217 2 pg, 103.57 KB | ORDER (CHUNG, Circuit Judge) The foregoing Motion by Church of Jesus Christ of Latter-day Saonts for leave to file a brief as amici curiae in support of Appellees is GRANTED. Panel No.: BCO-159. Chung, Authoring Judge. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (MCW) [Entered: 08/22/2024 02:32 PM] |
| 08/23/2024 | <input type="checkbox"/> 218 2 pg, 13.89 KB | ORDER (CHUNG, Circuit Judge) granting motion filed by Amici Curiae Florian Gorski, Janice Babcock, Douglas Kennedy, Robert Zillox, Craig Miller, Kristofer Pyorre, Theodore W., and Frank S. to proceed as amicus on the merits in 23-1664, 23-1666, 23-1668, 23-1665, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780. Cindy K. Chung, Authoring Judge. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (EAF) [Entered: 08/23/2024 01:10 PM] |
| 08/26/2024 | <input type="checkbox"/> 219 | TEXT ORDER (Clerk) The Court is scheduling these cases for disposition for either November 4, 2024 or November 5, 2024. Counsel will be further notified whether the cases will be scheduled for argument or submission in accordance with I.O.P. 2.5, however, counsel is expected to keep these potential argument dates available to the Court until such a decision has been made. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (SLC) [Entered: 08/26/2024 08:45 AM] |
| 09/12/2024 | <input type="checkbox"/> 220 3 pg, 138.05 KB | Calendared for Monday, 11/04/2024. Calendar Clerk: AR. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AR) [Entered: 09/12/2024 10:41 AM] |
| 09/15/2024 | <input type="checkbox"/> 221 1 pg, 208.24 KB | ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Delia S. Lujan Wolff, Esq. for Appellant Lujan Claimants in 23-1664. Certificate of Service dated 09/15/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (DSL) [Entered: 09/15/2024 02:28 AM] |
| 09/17/2024 | <input type="checkbox"/> 222 1 pg, 98.87 KB | ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Philip D. Anker, Esq. for Not Parties First State Insurance Co, Hartford Accident & Indemnity Co, Twin City Fire Insurance Co and Appellee Navigators Specialty Insurance Co in 23-1664, Attorney Philip D. Anker, Esq. for Appellees Hartford Accident & Indemnity Co, First State Insurance Co, Twin City Fire Insurance Co and Navigators Specialty Insurance Co in 23-1666. Certificate of Service dated 09/17/2024. Service made by ECF. [23-1664, 23-1666] (PDA) [Entered: 09/17/2024 02:20 PM] |
| 09/17/2024 | <input type="checkbox"/> 223 1 pg, 139.84 KB | ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Glenn M. Kurtz, Esq. for Appellees Boy Scouts of America and Delaware BSA LLC. Certificate of Service dated 09/17/2024. Service made by ECF. [23-1664] (GMK) [Entered: 09/17/2024 03:22 PM] |
| 09/17/2024 | <input type="checkbox"/> 224 1 pg, 98.94 KB | ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Robert S. Brady, Esq. for Appellee Future Claimants Representative in 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 09/17/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (RSB) |

[Entered: 09/17/2024 03:36 PM]

- 09/17/2024 ☐ [225](#)
1 pg, 20.96 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Michael Huston, Esq. for Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, Attorney Michael Huston, Esq. for Appellees Delaware BSA LLC and Boy Scouts of America in 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 09/17/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (MH) [Entered: 09/17/2024 05:03 PM]
- 09/18/2024 ☐ [226](#)
1 pg, 21.14 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Adam J. Tragone, Esq. for Amicus Appellees Estate of Harry Babcock, Florian Gorski, Douglas Kennedy, Craig Miller, Kristofer Pyorre, Frank S., Theodore W. and Robert Zillox in 23-1664. Certificate of Service dated 09/18/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AJT) [Entered: 09/18/2024 12:28 PM]
- 09/18/2024 ☐ [227](#)
1 pg, 97.43 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Thomas E. Patterson, Esq. for Appellee Pfau Cochran Vertetis Amala PLLC and Not Party Zalkin Law Firm PC in 23-1664, Attorney Thomas E. Patterson, Esq. for Appellees Zalkin Law Firm PC and Pfau Cochran Vertetis Amala PLLC in 23-1665, Attorney Thomas E. Patterson, Esq. for Appellees Pfau Cochran Vertetis Amala PLLC and Zalkin Law Firm PC in 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 09/18/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (TEP) [Entered: 09/18/2024 12:49 PM]
- 09/18/2024 ☐ [228](#)
1 pg, 515.79 KB ECF FILER: ARGUMENT ACKNOWLEDGMENT filed by Attorney Stamatios Stamoulis, Esq. for Appellees Century Indemnity Co, Federal Insurance Co and Westchester Fire Insurance Co in 23-1664, Attorney Stamatios Stamoulis, Esq. for Appellees Federal Insurance Co, Westchester Fire Insurance Co, Century Indemnity Co, Attorney Stamatios Stamoulis, Esq. for Appellees Century Indemnity Co, Federal Insurance Co, Westchester Fire Insurance Co, and Century Indemnity Co in 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, Attorney Stamatios Stamoulis, Esq. for Appellees Federal Insurance Co, Westchester Fire Insurance Co and Century Indemnity Co in 23-1675, 23-1676, 23-1677, Attorney Stamatios Stamoulis, Esq. for Appellees Century Indemnity Co, Federal Insurance Co and Westchester Fire Insurance Co in 23-1678, 23-1780. Certificate of Service dated 09/18/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780]--[Edited 09/19/2024 by DW] (SS) [Entered: 09/18/2024 08:30 PM]
- 09/25/2024 ☐ 229 TEXT ORDER (Clerk) At the direction of the Court, the parties are directed to provide hard copies of the supplemental briefs filed in response to the Court's July 8, 2024 order (ECF No. 197). [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AR) [Entered: 09/25/2024 04:48 PM]
- 09/26/2024 ☐ 230 HARD COPY RECEIVED from Appellee Navigators Specialty Insurance Co in 23-1664, Appellees First State Insurance Co, Hartford Accident & Indemnity Co, Navigators Specialty Insurance Co and Twin City Fire Insurance Co in 23-1666 - Brief. Copies: 7. Received: 10. [23-1664, 23-1666] (EAF) [Entered: 09/26/2024 03:23 PM]
- 09/27/2024 ☐ 231 HARD COPY RECEIVED from Appellant Lujan Claimants - Supplemental Brief. Copies: 7. (KEL) [Entered: 09/27/2024 12:59 PM]
- 09/27/2024 ☐ 232 HARD COPY RECEIVED from Appellee Future Claimants Representative in 23-1664, 23-1666, 23-1668, 23-1665, 23-1673, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780 - Supplemental Brief. Copies: 7. Received: 10. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (KEL) [Entered: 09/27/2024 01:02 PM]
- 09/27/2024 ☐ 233 HARD COPY RECEIVED from Appellees Ad Hoc Committee of Local Councils of the Boy Scouts of America, Boy Scouts of America and Coalition of Abused Scouts for Justice in 23-1664, Appellees Boy Scouts of America, Coalition of Abused Scouts for Justice and Not Party Ad Hoc Committee of Local Councils of the Boy Scouts of America in 23-1666, 23-1668, 23-1665, 23-1673, 23-1667, 23-1669, 23-1674, 23-1670, 23-1671, 23-1675, 23-1672, 23-1676, 23-1677, 23-1678, 23-1780 - Supplemental Brief. Copies: 7. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (KEL) [Entered: 09/27/2024 01:26 PM]
- 10/07/2024 ☐ [234](#)
2 pg, 114.48 KB ORDER (Clerk) The following Order is issued at the direction of the Court: The foregoing Motions to Seal are denied as presented. The moving Appellants ask the Court to seal specified proofs of claim in their entirety to protect the identities and personal identification information of these creditors. At the same time, however, the Lujan Claimants assert that "not all information contained in the proofs of claim is confidential and where not confidential, Lujan Claimants may cite to such information in their briefs." ECF No. 64 at 3. The Lujan Claimants also acknowledge that "personal identifiers have [already] been redacted from these proofs of claim." Id. The Dumas & Vaughn Claimants seek, in addition to sealing proofs of claim, to seal JX 1003, BSA's Historical Settlements Spreadsheet. Under Third Circuit Local Appellate Rule

106.1(a), general averments that documents contain personal identification information and were sealed in the Bankruptcy and District Courts are insufficient to warrant sealing. Rather, a party filing a motion to seal must set forth "with particularity the reasons why sealing is deemed necessary" for each appendix or document at issue and should consider redacting "[r]ather than automatically requesting the sealing of an entire brief, motion, or other filing." 3d Cir. L.A.R. 106.1(a). This comports with the well settled public right of access to judicial proceedings that creates a strong presumption against sealing judicial records. See *In Re Cendant Corp.*, 260 F.3d 183,192 (3d Cir. 2001). The Motions presented here do not identify with particularity why sealing the entirety of the proofs of claim is necessary or why such sealing is warranted even when personl identifiers have already been redacted. Nor do the Dumas & Vaughn Claimants offer an explanation for the proposed sealing of JX 1003, BSA's Historial Settlements Spreadsheet. The Motions are therefore denied without prejudice to renewal upon compliance with Rule 106.1(a). The parties may file a renewed motion or motions within 14 days of the date of this Order. In the interim, the Clerk shall maintain the current restricted access to the proofs of claim and JX 1003, BSA's Historial Settlements Spreadsheet, contained in Volume VII of the Joint Appendix. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (MCW) [Entered: 10/07/2024 01:26 PM]






- | | |
|---|---|
| 10/09/2024  235 63 pg, 2.62 MB | ECF FILER: Motion filed by Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780 to seal the Historical Settlement Spreadsheet. Certificate of Service dated 10/09/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (DCA) [Entered: 10/09/2024 12:37 PM] |
| 10/11/2024  236 6 pg, 57 KB | ECF FILER: Supplemental Declaration of Brian Whittman in Support of Supplemental Brief of Appellees Boy Scouts of America, The Ad Hoc Committee of Local Councils and The Coalition of Abused Scouts for Justice filed by Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 10/11/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (SR) [Entered: 10/11/2024 04:13 PM] |
| 10/11/2024  237 10 pg, 313.11 KB | ECF FILER: Supplemental Declaration of The Honorable Barbara J. Houser (Ret.) in Connection with the Court's Request for Briefing on the Effect of the Decision by the Supreme Court of the United States in <i>Purdue Pharma LP, No. 23-124</i> , on the Pending Appeals filed by Appellees Boy Scouts of America and Delaware BSA LLC in 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780. Certificate of Service dated 10/11/2024. Service made by ECF. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (SR) [Entered: 10/11/2024 04:16 PM] |
| 10/17/2024  238 2 pg, 131.73 KB | Oral Argument Notification for Wednesday, 11/06/2024. Setting & Time: Maris Courtroom / 10:00am. Location: Philadelphia, PA. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AR) [Entered: 10/17/2024 04:35 PM] |
| 10/18/2024  239 | TEXT ORDER (Clerk) At the direction of the Court, counsel will be allotted 30 minutes oral argument time for each side for argument scheduled for Wednesday, November 6, 2024 at 10am. [23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780] (AR) [Entered: 10/18/2024 10:08 AM] |

Exhibit B

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

September 12, 2024

Derek C. Abbott, Esq.
Philip D. Anker, Esq.
Lorraine M. Armenti, Esq.
John E.W. Baay II, Esq.
Joseph T. Baio, Esq.
Marla S. Benedek, Esq.
Mary E. Borja, Esq.
Theodore J. Boutrous Jr., Esq.
Robert S. Brady, Esq.
Daniel N. Brogan, Esq.
Charles J. Brown III, Esq.
John E. Bucheit, Esq.
Daniel J. Bussel, Esq.
George R. Calhoun V, Esq.
Robert D. Cecil Jr., Esq.
Bruce D. Celebrezze, Esq.
David C. Christian II, Esq.
Ashley-Anne Criss, Esq.
Richard J. Doren, Esq.
Gilion C. Dumas, Esq.
Mark W. Eckard, Esq.
David Elbaum, Esq.
Kenneth J. Enos, Esq.
Blaine H. Evanson, Esq.
Gregory J. Flasser, Esq.
David M. Fournier, Esq.
Gregory G. Garre, Esq.
Douglas R. Gooding, Esq.
Eric R. Goodman, Esq.
Ronald K. Gorsich, Esq.
Debra I. Grassgreen, Esq.
Kelly A. Green, Esq.
Emily Grim, Esq.
Susan N. Gummow, Esq.
Lloyd A. Gura, Esq.

Kurt F. Gwynne, Esq.
Jonathan D. Hacker, Esq.
James L. Hallowell, Esq.
Matthew A. Hamermesh, Esq.
Edwin J. Harron, Esq.
Robert K. Hill, Esq.
Michael Hrinewski, Esq.
December L. Huddleston, Esq.
Michael Huston, Esq.
Todd C. Jacobs, Esq.
Michael J. Joyce, Esq.
Mitchell A. Karlan, Esq.
Kathleen K. Kerns, Esq.
David M. Klauder, Esq.
Eric Konopka, Esq.
Alan J. Kornfeld, Esq.
Konrad R. Krebs, Esq.
David R. Kuney, Esq.
Carl N. Kunz III, Esq.
Glenn M. Kurtz, Esq.
Jessica C. Lauria, Esq.
Matthew E. Linder, Esq.
Paul A. Logan, Esq.
Christopher D. Loizides, Esq.
John W. Lucas
Delia S. Lujan Wolff, Esq.
Kim V. Marrkand, Esq.
Jonathan D. Marshall, Esq.
R. Craig Martin, Esq.
Keith Martorana, Esq.
Bruce W. McCullough, Esq.
Bryana McGillicuddy, Esq.
William E. McGrath Jr., Esq.
Laura K. McNally, Esq.
Rachel B. Mersky, Esq.

Kathleen M. Miller, Esq.
Stephen M. Miller, Esq.
Pamela J. Milnetto, Esq.
Nicole Molner, Esq.
David J. Molton, Esq.
Iain A.W. Nasatir, Esq.
James E. O'Neill, Esq.
James E. O'Neill III, Esq.
Isaac M. Pachulski, Esq.
Richard M. Pachulski, Esq.
Thomas E. Patterson, Esq.
Alexander E. Potente, Esq.
Kami E. Quinn, Esq.
Andrew R. Remming, Esq.
Deirdre M. Richards, Esq.
Louis J. Rizzo Jr., Esq.
Matthew Roberts, Esq.
Sophie Rogers Churchill, Esq.

Seth M. Rokosky, Esq.
Michael A. Rosenthal, Esq.
Maria A. Sawczuk, Esq.
Tancred V. Schiavoni, Esq.
Ronald P. Schiller, Esq.
Gary P. Seligman, Esq.
Ryan Smethurst, Esq.
Alex M. Spisak, Esq.
Stamatios Stamoulis, Esq.
Brian A. Sullivan, Esq.
Matthew G. Summers, Esq.
Adam J. Tragone, Esq.
Margaret H. Warner, Esq.
Stephen H. Warren, Esq.
Thaddeus J. Weaver, Esq.
William H. White Jr., Esq.
Harris B. Winsberg, Esq.

RE: In re: Boy Scouts of America and Delaware BSA LLC; et al.

Case Numbers: 23-1664, 23-1665, 23-1666, 23-1667, 23-1668, 23-1669, 23-1670, 23-1671, 23-1672, 23-1673, 23-1674, 23-1675, 23-1676, 23-1677, 23-1678, 23-1780

District Court Case Number: 1-22-cv-01237; et al.

Dear Counsel:

The above-entitled case(s) has/have been tentatively listed on the merits for **Monday, November 4, 2024** in **PHILADELPHIA, PA.** It may become necessary for the panel to move this case to another day within the **week of November 4, 2024.** Counsel will be notified if such a change occurs.

The panel will determine whether there will be oral argument and if so, the amount of time allocated for each side. (See Third Circuit Internal Operating Procedures, Chapter 2.1.) Approximately 18 calendar days prior to the first day of the panel sitting, you will be advised whether oral argument will be required, the amount of time allocated by the panel, and the specific date on which argument will be scheduled.

Counsel shall file an acknowledgment form **within seven (7) days** from the date of this letter, and advise the name of the attorney who will present oral argument. In addition, please indicate whether or not s/he is a member of the bar of this Court. Bar membership is not necessary if counsel represents a U.S. government agency or officer thereof or if the party is appearing pro se. If the attorney is not a member of the bar of this Court, an application for admission should be completed, which should be returned to this office without delay.

The hyperlinks for access to the [acknowledgment form](#), [application for admission](#), and [appearance form](#) are provided for your convenience, and are also available on the [Third Circuit](#) website. Please file your completed acknowledgment form through CM/ECF.

Counsel are also asked to update their CM/ECF account with a cell phone number if one is not already included. Such information will not be publicly accessible, and will only be used if necessary to contact counsel expected to appear for oral arguments.

Very truly yours,



PATRICIA S. DODSZUWEIT
Clerk

By:



Ashley Ritz
Calendar Clerk
267-299-4947

Exhibit C

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK



UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790

Website: www.ca3.uscourts.gov

TELEPHONE

215-597-2995

October 17, 2024

AR/cc: All Counsel of Record

RE: In re: Boy Scouts of America and Delaware BSA LLC

Case Number: 23-1664; et al.

District Court Case Number: 1-22-cv-01237; et al.

Dear Counsel:

The Court has directed me to advise counsel in the above-entitled case that oral argument on the merits is scheduled on **Wednesday, November 6, 2024. Counsel will be advised of the allotment of time as soon as possible.** Court will convene at **10:00 a.m.** and argument in this matter is scheduled in **The Albert Branson Maris Courtroom, (19th Floor, U.S. Courthouse, 6th & Market Sts., Philadelphia, PA.)** Counsel who will present oral argument should register with the Court Crier in the courtroom 30 minutes prior to the time when court is scheduled to convene.

Counsel should read the [instructions for oral argument](#). If multiple parties are arguing for each side, counsel shall file a [division of time form](#) (a writeable form), if necessary, through CM/ECF.

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Appellants and Appellees are asked to provide a very brief summary of the issues in the case by docketing the **Summary of Oral Argument** event, located in the **Argument Notices & Acknowledgements** category, within five (5) days. This is part of a program to provide the public with information about the Court's cases. Both summaries will be posted on the Court internet site prior to the argument date.

Audio of all arguments are posted on the Court's internet website shortly after the conclusion of arguments for the day. In addition, the Court may direct that video of oral argument¹ in cases that are of significant interest to the public, the bar or the academic community be posted on the website. In order to assist the Court in this determination, Appellants and Appellees will be asked when providing the summary of oral argument whether they recommend that video be posted or whether they object to the posting of video. Whether video is posted is within the sole discretion of the judges hearing oral argument. The panel of the Court will determine after oral argument whether video of any argument should be posted. Attorneys will be notified if video will be posted and given a further opportunity to object by close of business the next day.

Pursuant to IOP Chapter 2, you are hereby advised that your appeal will be argued before the following panel: **KRAUSE, SCIRICA and RENDELL, Circuit Judges.**

Very truly yours,



PATRICIA S. DODSZUWEIT
Clerk

By:



Ashley Ritz
Calendar Clerk
267-299-4947

¹ Only arguments scheduled in the Albert Branson Maris and Collins J. Seitz courtrooms in Philadelphia, PA are video recorded.

CERTIFICATE OF COMPLIANCE

1. This motion complies with the word limit of Federal Rule of Appellate Procedure 27(d)(2). The motion contains 1,018 words, excluding the portions exempted by Federal Rules of Appellate Procedure 27(d)(2) and 32(f) and Federal Circuit Rule 32(b)(2).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). The brief has been prepared in a proportionally spaced typeface using Microsoft Word and 14-point Valkyrie A type.

Dated: October 18, 2024

/s/Michael R. Huston

Michael R. Huston